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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,) CR. NO. S-04-053 FCD
12)
Plaintiff,) AMENDED GOVERNMENT REQUEST FOR
13) DESTRUCTION ORDER; and ORDER
v.)
14)
URIEL RAMIREZ CHAVEZ,)
15)
Defendant.)
16

17 On October 23, 2003, two Deputy Marshals served an arrest
18 warrant on the defendant. In doing so, they recovered a Colt .38
19 caliber handgun, serial number 70S29397, which had been in the
20 defendant's possession.

21 The defendant was Mirandized at the scene of his arrest.
22 During the drive to the jail, the defendant conversed with one of
23 the Deputy Marshals, and admitted that the handgun was his.

24 Prior to possessing this firearm, the defendant had been
25 convicted of two felony offenses. On or about December 12, 1994,
26 the defendant suffered a felony conviction in the Shasta County
27 Superior Court for possession of methamphetamine for sale, in
28 violation of California Health and Safety Code Section 11378. And,

1 on or about March 19, 2001, the defendant suffered a felony
2 conviction in the United States District Court for the Eastern
3 District of California for the unlawful use of a communication
4 facility to facilitate the commission of a drug trafficking offense,
5 in violation of Title 21, United States Code, Section 843(b).

6 In the instant case, the defendant was prosecuted for being a
7 felon in possession of a firearm, in violation of 18 U.S.C.
8 § 922(g)(1). The defendant pled guilty to that offense on January
9 24, 2005. C.R. 18. On May 23, 2005, he was sentenced to a term of
10 imprisonment of 48 months, to be followed by 36 months of supervised
11 release. C.R. 23. A judgment and commitment order was issued on
12 June 2, 2005. C.R. 24.

13 Deputy Marshal Marco Rodriguez requested that the Bureau of
14 Alcohol, Tobacco, and Firearms (BATF) run a records check on the
15 above-described handgun which the defendant claimed to own. BATF
16 responded that this firearm was purchased on September 6, 1981, by
17 an individual named Uriel Lopez. BATF provided Deputy Marshal with
18 Mr. Lopez' date of birth, as well as his place of birth. BATF had
19 no other information about Mr. Lopez, or about the firearm at issue.

20 Even though the defendant stated that the firearm belonged to
21 him, Deputy Marshal Rodriguez attempted to locate the 1981 purchaser
22 of this firearm, Uriel Lopez. Deputy Marshal Rodriguez was not able
23 to locate Mr. Lopez.

24 In as much as the ownership of the firearm at issue is
25 associated with a convicted felon, and that it is illegal for a
26 convicted felon to be in the possession of a firearm, the government

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1 requests the court order the destruction of the Colt .38 caliber
2 handgun, serial number 70S29397.

3 DATED: November 29, 2006

Respectfully submitted,

4 MCGREGOR W. SCOTT
5 United States Attorney

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7 By: /s/ Kenneth J. Melikian
8 KENNETH J. MELIKIAN
9 Assistant U.S. Attorney

10 ORDER

11 Based on the foregoing, and good cause appearing therefor,

12 IT IS HEREBY ORDERED THAT the United States Marshals Service
13 may destroy or otherwise dispose of the Colt .38 caliber handgun,
14 serial number 70S29397, which was seized during the above described
15 investigation.

16 DATED: December 4, 2006

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20 FRANK C. DAMRELL, JR.
21 UNITED STATES DISTRICT JUDGE
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